

Amendment
Serial No. 10/522,467

IN THE DRAWINGS

Applicant submits herewith amended Figures 2, 3a and 3b on one sheet (sheet 2/3) annotated as Replacement sheets showing the amendments made to Figures 3a.

Entry of the Replacement sheets is respectfully requested.

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-9 are pending in the application and stand rejected.

Claims 1-9 have been amended. Claims 1, 8 and 9 are independent claims.

Claim 7 stands rejected under 35 USC 112, first paragraph for allegedly not providing enablement with regard a single structural element performing all of the claimed functions.

Applicant respectfully disagrees with, and explicitly traverses, the rejection of the claim. Claim 7 recites a television receiver comprising a processor performing particular recited steps for correcting the artefacts within a series of pictures. Contrary to assertions made in the Office Action, the specification teaches one skilled in the art to practice the invention claimed. Particularly as one skilled in the art would understand that the single processor element is sufficient to perform a number of different functions, each of which may perform a conversion of data from one form to another. More specifically, the processor may access instructions that enable the processor to perform each element recited and the interaction of each element. Thus, it is not the single processor means that is claimed but rather the particular elements that are recited within the claim body. The single processor means merely represents the vehicle within which the claimed processing steps are executed.

Notwithstanding the argument above, claim 7 has been amended to present the claim in a format consistent with current US Patent practice to show the steps being executed by the processing means.

Claims 1 and 8 stand rejected under 35 USC 112, second paragraph, for failing to distinctly claim the subject matter which the applicant regards as his invention.

Applicant respectfully disagrees with, and explicitly traverses, the rejection of the claims. However, claims 1 and 8 have each been amended to further recite the elements of the correction of the artefacts within a present frame based in part on a previous frame

and the outputting of the current frame containing the corrected blocks. Such correction of the artefacts and their output provides for a useful, concrete and tangible result in that the correction of artefacts provides for a clearer image.

Applicant thanks the Examiner for his suggestion regarding how to amend the claims to produce a useful, concrete and tangible result and has endeavored to amend the claims accordingly.

The drawings are objected to because they fail to show appropriated contrast and distinct details in figures 3a and 3b.

Applicant respectfully disagrees with and explicitly traverses the reason for the rejection.

With regard to the subject matter shown in Figures 3a and 3b, applicant submits that these figures show vertical grid rows including artefacts of type p1 and type p2, which are shown above the SG(t) frame and below the RG(t) frame. As recited in specification, on page 9, lines 13-17, the black lines represent a type p2 line and have a value of 2. Those areas where neither a p1 or p2 row exists the corresponding p value is 0. The determination of indicator (IND) is also shown being incremented, decremented and remaining the same based on the row configuration of SG(t), and RG(t-1) in accordance with the method described on page 9, lines 13-24

Accordingly, applicant believes that subject matter shown in Figures 3a and 3b, in conjunction with the description of these figures in the written description, would be understood by those skilled in the arts.

However, amendments to the drawings, on a single replacement sheet showing Fig. 2, and Figs. 3a and 3b, are provided, herewith. The amendments include the designation of the p1 type rows with the numeral 1.

Entry of the amended drawing and withdrawal of the objection is respectfully requested.

Claims 1 and 8 stand rejected under 35 USC §112, second paragraph as providing for the use of processing a sequence of digital images and recites a use without any active, positive steps delimiting how this use is actually practiced.

Applicant respectfully disagrees with the rejection of the claims. However, claims 1 and 8 have been amended to further recite that the artefacts are contained within the digital images. Hence, applicant submits that the processing of the artefacts contained within the digital image encompasses processing the digital images as is now referred to in the preamble.

Claims 1 and 8 stand rejected under 35 USC §101 for being directed to functional descriptive material on a computer readable medium which is allegedly non-statutory subject matter

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claim. However, applicant has amended claims 1 and 8 (and also 9) to further recite that the artifacts are corrected and outputted. Support for the amendment may be found at least on page 11, lines 25-30.

Claim 9 stands rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter

With regard to the rejection of the claim, the Office Action asserts that claim 9 defines a computer program product embodying functional descriptive material. The claim does not define a computer readable medium or computer-readable memory and is thus non-statutory for that reason.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claim. Claim 9 refers to "[a] computer program product comprising a set of instructions, stored in a programming memory, which, when loaded into a circuit, causes said circuit to perform." Hence, applicant believes that the Office Action is misinterpreting the subject matter claimed as the claim refers to a circuit that performs the claimed steps when instructions, which are stored in a programming memory, are loaded into the circuit. The claim is not referring to a signal or other intangible media; but to the circuit that is loaded with the provided instructions.

Applicant would further note that even if the instructions are stored in a programmable memory remotely located from the circuit and provided by a network to

the circuit, the claim is directed to the circuit and not to the transmission media or carrier wave as alleged by the Office Action.

Accordingly, applicant believes that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1, 2, 6, 8, and 9 stand rejected under 35 USC §103(a) as being unpatentable over Martins (USP no. 6,438,275) in view of Silverstein (USP no. 5, 822, 469). In rejecting the claims, the Office Action refers to Martins for disclosing the elements of the claims, and acknowledges that Martins does not specifically teach/disclose a row comparison. Silverstein is referred to for teaching a row comparison

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Martins discloses a system for determining differences between a current frame, a previous frame and a previous/previous frame to determine whether changes in pixels have occurred among the referred to frames. Martins further discloses that pixels within a current frame may be classified as being stationary, moving, covered or uncovered. Stationary pixels are determined to be those pixels that have the same value among the current, previous and previous/previous frames, moving pixels are determined to those pixels that have a different value between a current and a previous frame or a previous frame and a previous/previous frame. Covered pixels are those pixels determined to have a same value between current and previous frames but non-equal values between previous and previous/previous frames. Uncovered pixels are those pixels determined to have a non-equal value between a current and previous frames and equal values between previous and previous/previous frames.

With regard to Silverstein, the Office Action refers to the comparison of horizontally adjacent pairs of pixel to determine whether the luminance is greater than a threshold.

However, even assuming that this comparison of adjacent pixels is comparable to the row by row comparison recited in the claims, nowhere does Silverstein teach or suggest that a difference in the number of rows of the current and the preceding reference grids being smaller than one third the number of grid rows of the preceding reference

grid, as is recited in the claims (wherein a number of grid rows differing between the current spatial grid SG(t) and the preceding reference grid RG(t-1) is smaller than one third a number of grid rows of the preceding reference grid RG(t-1)). Rather Silverstein teaches a comparison of the elements within a row and does not consider adjacent pixels vertically (i.e., pixels between rows).

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Martins and Silverstein.

With regard to the remaining claims, each of these claims depends from the independent claims and, hence, each of the remaining claims is also allowable by virtue of its dependency upon an allowable base claim.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

Although the last Office Action was made final, this amendment should be entered. The claims have each been amended to correct the form of the claims with regard to rejections under 35 USC 101, 112, first and second paragraphs. As no matter has been added to the claims that would require comparison with the prior art or any further review, pursuant to MPEP 714.13, the amendments made herein should only require a cursory review by the Examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

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Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,
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Date: August 23, 2008

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